

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL NICHOLS,

PLAINTIFF,
SEE PLAINTIFF'S LIST
AND OTHER PERSONS
SIMILARLY SITUATED

v.

UNITED STEELWORKERS OF AMERICA,
REPUBLIC TECHNOLOGIES OF AMERICA,

DEFENDANTS,

JUDGE PALLMEYER

02C 5205

MASTISTRATE JUDGE NOLAN

RECEIVED
U.S. DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
JUL 24 2002
MELISSA A. BROWN
CLERK

COMPLAINT

Now comes, MICHEAL NICHOLS A MEMBER OF THE UNITED STEELWORKERS OF AMERICA AND ALL OTHER PLAINTIFF'S SIMILARLY SITUATED, by Robert M. Salzman Attorney at Law. Complaining of UNITED STEELWORKERS OF AMERICA AND REPUBLIC TECHNOLOGIES, and in support states as follows:

JURISDICTION AND VENUE

- 1.) This suit is to recover back wages, loss of pensions and other monetary rights, as well as, liquidated and punitive damages. Federal question jurisdiction arises, pursuant to section 9a of Title 29 USC (# 159(a) and (301) of the Labor Management Relations Act. A portion of said, statute is to redress violation by the Union of its Fair Representation Standards on behalf of the plaintiff and all other Union Members similarly situated.

for the 15% reduction on January 24th, 2002. Said reduction went into effect and continued to approximately July 15th, 2002. Said reduction went to both, Wages and Pension and Health Benefits.

- 8.) But for the recommendation of the Union based upon the terms, of the aforementioned, Legislation, the Plaintiffs would not have approved said pay reduction.
- 9.) At the time in question and more specifically prior to the vote the legislation in question, "The Emergency Steel Loan"^{Emergency Program} had been terminated as of December 31st, 2001. The Union, although aware of this still had its memberships vote to approve the 15% reduction based upon non-existent terms. If the Plaintiffs' had been made aware of the termination, they would not have approved the reduction.
- 10.) Although, the Emergency Loan circumstances were invalid at the time. The defendants made no attempt to undo said reduction. In fact, the reduction continued till approximately July 15th, 2002. All to the benefit of the defendants, and to the detriment of the plaintiff.
- 11.) At the time of the vote in question, (January 24th, 2002), the defendants Union failed to represent the plaintiffs and others similarly situated fairly and impartially. Further, said recommendation made by the Union was not rational conduct under, The Fair Representation Standard and grossly negligent.

- 2.) The Defendant's are corporation domiciled in Illinois and various other states.
- 3.) The Defendant United Steelworker was the exclusive bargaining agent for the plaintiffs at the times referred herein. Said representation arose out of the plaintiffs' membership more specifically, in Local 1033 of said Union.
- 4.) The Defendant Republic Technologies International was the employer of the plaintiffs.

STATEMENT OF CLAIM

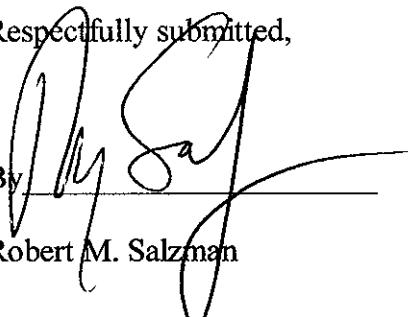
- 5.) On or before January 24th, 2002 and more specifically on December 2001, defendant United Steel Workers, published and promoted to the plaintiffs, its recommendation that its membership vote and approve and 15 % reductions in a pay scale so that there would be a financial benefit to the employer, Republic Tech. Said benefit would also accrue ultimately to the plaintiffs.
- 6.) The agreement to reduce, would only be effective after the approval vote, if the defendant Republic, secured a 250 Million Loan, under Legislation known as, The Emergency Steel Loan Guarantee Program, and approval by the Pension Benefit Guarantee Corporation (See attached Exhibit A Portion of Summary of Recommendation by Union).
- 7.) Based, upon the recommendation referred to above the Plaintiff and other Union members voted

12.) As a direct result of the actions of the Union and it's unfair representation and the actions of the employer, the plaintiff and all other similarly situated, lost income in an amount that was 15% less than normal for at least 6 (six) months. In addition, they lost whatever other benefits would be based upon income.

Wherefore, the plaintiff and all others similarly situated, request that, the Courts order the following:

- a) The Union and Company award all back pay and benefits, that the plaintiffs' lost as a result of improper 15% pay reduction.
- b) That the Union and Company pay all attorney's fees and costs, incurred by present action.
- c) Whatever, other relief, the Court sees fit to award, including damages both compensatory and punitive.

Respectfully submitted,

By 
Robert M. Salzman

Robert M. Salzman
79 West Monroe Street, Suite 626
Chicago, Illinois 60603
(312) 553-4514

PLAINTIFF'S LIST

02 C 5205

Mitchell Jones
Charles Blue
S. Jovanovic
Mile Vlajnic
Garry House
William Ryan
Jesus Villena
Joseph Benkovich
Anastacio Chagoya
Emil Simich
Florencio Cornel
Christine Pearson
Peter P. Woznicki
George Bateman
Melvin Roberson
Thomas Kaniewski
Jose L. Lopez
Frank Billa
Lettie Tubbs
Printis Brown
Frank Green
Winston Williams
Dan Gaddni
Walter Zakrzewski
Corrine Chengary
Michael Dzinbczynski
Joseph Cano
Ronald Alexander
Robert Watson
Curt Blankenship
Otis Redmond
Arthur DeBarge
Jason Shone
Roberto Montes
Jesus Arced
Johnnie Johnson
Ramon Deleal
Al J. Stewart
Albert C. Austin
Jack M. Shinn

Plaintiffs List

Naihaniel Knight
John Keslin
John J. Rodriavez
Milovan Radicic
Roland Collier
Billy Pierce
L. Dipilippo
Frank Keslin
Fernando Gonzalez
Alfonso Hernandez

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plans whenever available, tighter prescription drug networks, and revised co-pay arrangements for prescriptions. There will be fewer options and more restrictions.

Regulation of Investments. The company cannot make investments outside the steel industry without Union approval. The Union will get expanded input into corporate decision-making. The agreement also incorporates all rights and provisions of the 1998 Agreement (1999 Agreement for Lorain) except as specifically modified. In addition to being subject to the bankruptcy court's approval and membership ratification, the agreement will only go into effect if the company secures a \$250 million loan under the Emergency Steel Loan Guarantee Program and approval by the Pension Benefit Guaranty Corporation of a new pension funding schedule. In short, the tentative agreement only becomes effective as part of a program that puts RTI on the road to reorganization and recovery, and everyone that has an interest in RTI's success contributes.

This Modified Labor Agreement is consistent with the goals and guidelines for steel crisis negotiations established by the Basic Steel Industry Conference in January 2001. This proposal has been approved by our negotiating committee, the BSIC Advisory Board, and the International Executive Board. **We submit it with a recommendation that you approve it.**

We urge you to read this summary carefully and then vote. If you have any questions, be sure to contact your local union representative. A complete copy of the settlement is on file at your local union hall. A ballot and voting instructions are contained in this package. To be counted, your ballot must be received by the Post Office in Pittsburgh by the date shown on your instructions.

Without your solidarity, unity and support, this agreement would not have been possible. Together we were able to completely defeat RTI's plan to reorganize the company on the backs of our retirees and active employees. The future of the company is now in your hands.

In solidarity,

Leo W. Gerard

International President and Chairman
Basic Steel Industry Conference

David R. McCall

RTI Bargaining Committee

Exhibit A

JS 44
(Rev. 12/96)

(CIT 3) CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Michael Nichols

JUDGE PALLMEYER DEFENDANTS

UNITED STEELWORKER

MAGISTRATE JUDGE NOLAN

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)ET AL
COOK

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

(IN U.S. PLAINTIFF CASES ONLY)

Cook

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

RM Sizemore
79 W. Monroe
312 559 6814

ATTORNEYS (IF KNOWN)

5205 Docket

JUL 24 2002

DN A

DIST. CO.

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

1 U.S. Government Plaintiff
 2 U.S. Government Defendant

3 Federal Question (U.S. Government Not a Party)
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

PTF DEF

Citizen of This State

PTF DEF

Incorporated or Principal Place of Business In This State

Citizen of Another State

PTF DEF

Incorporated and Principal Place of Business In Another State

Citizen or Subject of a Foreign Country

PTF DEF

Foreign Nation

PTF DEF

PTF DEF

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation

Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157
		<input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability		PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
			<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations	LABOR <input type="checkbox"/> 851 HIA (1395f) <input type="checkbox"/> 852 Black Lung (923) <input type="checkbox"/> 853 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7606

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE.
DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Violation of Fair Labor Standards Act

VII. REQUESTED IN COMPLAINT

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint
JURY DEMAND: YES NO

VIII. This case

is not a resiling of a previously dismissed action.
 is a resiling of case number _____, previously dismissed by Judge _____

DATE

07/23/02

SIGNATURE OF ATTORNEY OF RECORD

1-2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS JUDGE PALLMEYER

the Matter of

Matter of
Michael Nichols

MAGISTRATE JUDGE NOLAN

U.S STEEL

Case Number:
02C 5205

Case Number:

PPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

R.M. SAWYER

(A)		(B)	
NAME		NAME	
ADDRESS		FIRM	
CITY/STATE/ZIP		STREET ADDRESS	
TELEPHONE NUMBER		FAX NUMBER	
E-MAIL ADDRESS		TELEPHONE NUMBER	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)		FAX NUMBER	
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	
TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>	
		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	
(C)		(D)	
NAME		NAME	
FIRM		FIRM	
STREET ADDRESS		STREET ADDRESS	
CITY/STATE/ZIP		CITY/STATE/ZIP	
TELEPHONE NUMBER		FAX NUMBER	
E-MAIL ADDRESS		TELEPHONE NUMBER	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)		FAX NUMBER	
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	
TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	